

<b>VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS</b> <b>(37 CFR 1.9(f) &amp; 1.27(c))--SMALL BUSINESS CONCERN</b>	<b>Docket No. (Optional)</b> <b>18504/333</b>
Applicant or Patentee: Johannes J. Verboom Application or Patent No.: 10/014,392 Filing Date: October 22, 2001 Title: OPTIMIZED DATA STORAGE SYSTEM AND METHOD FOR OPTICAL STORAGE SYSTEM	
I hereby declare that I am <input type="checkbox"/> the owner of the small business concern identified below: <input type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below: <input checked="" type="checkbox"/> an attorney or agent empowered to act on behalf of the concern identified below:	
NAME OF SMALL BUSINESS CONCERN Plasmon LMS, Inc. ADDRESS OF SMALL BUSINESS CONCERN 4425 ArrowsWest Drive, Colorado Springs, Colorado 80907	
<p>I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one controls or has the power to control the other, or a third party or parties controls or has the power to control both.</p>	
<p>I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:</p>	
<input type="checkbox"/> the specification filed herewith with title as listed above. <input checked="" type="checkbox"/> the application identified above. <input type="checkbox"/> the patent identified above.	
<p>If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).</p>	
<p>Each person, concern or organization having any rights in the invention is listed below:</p> <input checked="" type="checkbox"/> no such person, concern, or organization exists. <input type="checkbox"/> the person, concern or organization is:	
<p>Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)</p>	
<p>I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))</p>	
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.</p>	
NAME OF PERSON SIGNING: Craig J. Lervick	
TITLE OF PERSON IF OTHER THAN OWNER: Attorney of Record	
ADDRESS: Oppenheimer Wolff & Donnelly LLP, 45 South Seventh Street, Suite 3300, Minneapolis, MN 55402	
SIGNATURE: <u>Craig J. Lervick</u> DATE <u>June 15, 2005</u>	

## OPPENHEIMER

OPPENHEIMER WOLFF &amp; DONNELLY LLP

Plaza VII, Suite 3300  
45 South Seventh Street  
Minneapolis, MN 55402-1609

612.607.7000  
Fax 612.607.7100

RECEIVED  
CENTRAL FAX CENTER

JUN 15 2005

## FAX COVER LETTER

June 15, 2005

TO: Examiner Torres  
COMPANY: U.S. Patent and Trademark Office – Art Unit 2133  
PHONE: 571.272.3829  
FAX: 703.872.9306

FROM: Craig J. Lervick  
DIRECT DIAL: (612) 607-7387  
EMAIL: CLervick@oppenheimer.com  
RE: U.S. Patent Application No. 10/014,392  
Attorney Docket No.: 18504-333

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that a Notice of Appeal and a Verified Statement Claiming Small Entity Status (37 CFR 1.9(f) & 1.27(c))—Small Business Concern are being facsimile transmitted to the U.S. Patent and Trademark Office for the above-identified application on the date listed below.

Molly McClellan  
Molly McClellan

6/15/05  
Date

This facsimile contains confidential information intended only for the use of the addressee(s) named above and may contain information that is legally privileged. If you are not the addressee, or the person responsible for delivering it to the addressee, you are hereby notified that reading, disseminating, distributing or copying this facsimile is strictly prohibited. If you have received this facsimile by mistake, please immediately notify us by telephone and return the original message to us at the address above via the Postal Service (we will reimburse postage). Thank you.

RECEIVED  
OIPF/IAP

Originals: Not being sent

Completed by: Molly McClellan/7525

JUN 16 2005

You should receive 5 page(s) excluding this page.  
If the transmission is incomplete, please call 612.607.7276 as soon as possible.